

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 04-10862-GAO

JOSEPH E. MCCAIN,
PLAINTIFF,

VS.

THE CITY OF NEWBURYPORT,
THOMAS H. HOWARD, INDIVIDUALLY AND AS
CITY MARSHALL FOR THE CITY OF NEWBURYPORT,
BRIAN BRUNAUT AND NEXTEL COMMUNICATIONS OF
THE MID ATLANTIC, INC.,
DEFENDANTS.

**PLAINTIFF'S ASSENTED TO MOTION TO EXTEND TIME FOR
RESPONDING TO DEFENDANT'S MOTION TO DISMISS**

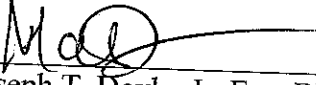
Now comes the Plaintiff in the above captioned matter and moves this Honorable Court to extend the time the Plaintiff to oppose the Defendant Nextel Communications of the Mid Atlantic, Inc.'s Motion to Dismiss from July 7th 2004 until July 29, 2004. As reasons therefor, the Plaintiff states as follows:

1. Plaintiff's counsel has long-standing vacation plans for July 7-9 as well as July 16-21st and is unable to timely respond to the motion.
2. Plaintiff's counsel has conferred with Defendant's Nextel's counsel and Nextel's counsel has assented to this short extension.

WHEREFORE, the Plaintiff moves this Honorable Court to extend the time for responding to the Defendant's Motion to Dismiss from July 7, 2004 until July 29, 2004.

Respectfully submitted,

Joseph E. McCain,
By his attorneys,

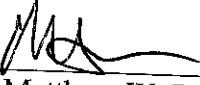


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CERTIFICATE OF SERVICE

I, MATTHEW W. PERKINS, of the firm of Lecomte, Emanuelson and Doyle, Attorney for Plaintiffs, hereby certify that this 1st day of July, 2004 served a copy of the within Plaintiffs' Motion to Extend by first class mail, postage prepaid to:

Brian J.S. Cullen, Esquire
Devine Millimet
111 Amherst Street
Manchester, NH 03101



Matthew W. Perkins